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Attorneys for Plaintiff  
Massachusetts Mutual Life Insurance Company

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY,

Plaintiff,

vs.

SAMUEL BREZEL, RACHEL BREZEL,  
and SEEROJINI RAMJIT,

Defendants.

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Civil Action No.: 1:19-cv-01475

**COMPLAINT**

Plaintiff Massachusetts Mutual Life Insurance Company (“MassMutual” or “Plaintiff”), by and through its undersigned counsel, for its Complaint against Defendants Samuel Brezel, Rachel Brezel, and Seerojini Ramjit (collectively, the “Defendants”), alleges as follows:

## **INTRODUCTION**

1. Through this lawsuit, MassMutual seeks to terminate an ongoing fraudulent scheme perpetrated by Samuel Brezel and Seerojini Ramjit, and to recover the money that these individuals have taken from MassMutual through the submission of fraudulent claims under a long term care insurance policy. To date, MassMutual has paid Samuel Brezel a total of \$1,742,580.00 for home care services allegedly provided by Seerojini Ramjit. As described more fully in this Complaint, Samuel Brezel and Seerojini Ramjit have routinely submitted claims for caregiver services that were, in fact, never rendered. Surveillance on Samuel Brezel and Seerojini Ramjit confirms that Ms. Ramjit did not provide caregiver services to Mr. Brezel on numerous occasions for which claims were submitted and paid by MassMutual.

## **THE PARTIES**

2. MassMutual is a corporation organized and existing under the laws of the State of Massachusetts, with its principal place of business located in Springfield, Massachusetts, and is authorized to and does transact business in the State of New York. MassMutual issued the long term care policy at issue to Samuel Brezel and Rachel Brezel. At all relevant times, LifeCare Assurance Company has administered the policy at issue on MassMutual's behalf. LifeCare Assurance Company is a corporation organized and existing under the laws of the State of Arizona, with its principal place of business located in Woodland Hills, California.

3. Samuel Brezel is a citizen of the State of New York, residing at 3919 Bedford Avenue, Brooklyn, New York 11229. Samuel Brezel is an insured under the MassMutual long term care insurance policy at issue.

4. Rachel Brezel is a citizen of the State of New York, residing at 3919 Bedford Avenue, Brooklyn, New York 11229. Rachel Brezel is an insured under the MassMutual long term care insurance policy at issue.

5. Seerojini Ramjit is a citizen of the State of New York, residing at 2212 Cortelyou Road, Brooklyn, New York 11226. Seerojini Ramjit is the caregiver that purportedly provided the home care services at issue to Samuel Brezel.

**JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because there is diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because one or more of the Defendants reside in this judicial district, and a substantial part of the events or omissions giving rise to this action occurred within this judicial district.

**FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

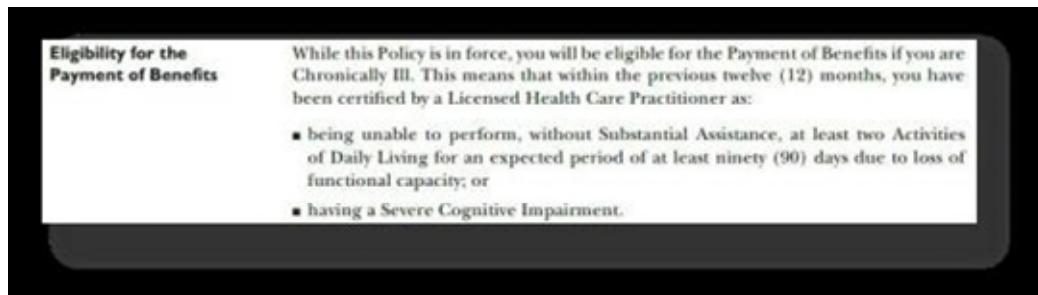
8. MassMutual issued a long term care policy jointly insuring Samuel Brezel and his wife, Rachel Brezel, with an effective date of April 8, 2005 -- Policy No. 14-14634036 (the “Policy”). Samuel Brezel and Rachel Brezel are also co-owners of the Policy.

9. The Policy is a comprehensive long term care insurance policy with an “indemnity” benefit rider, which pays a daily flat-rate benefit to Samuel Brezel for each day he receives caregiver services, regardless of the actual caregiver charges incurred.<sup>1</sup> The initial daily benefit payable under the Policy was \$300.00, and this amount increased annually by 5%. As of the Policy’s anniversary on April 8, 2018, the daily benefit amount was \$495.00. The total maximum benefit amount payable under the Policy is “unlimited” during Samuel Brezel’s lifetime.

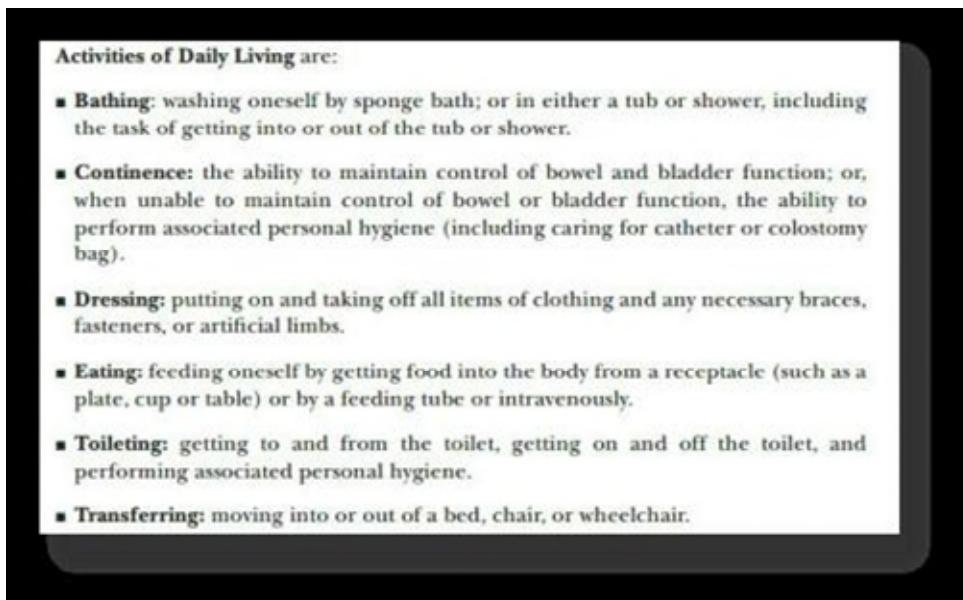
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<sup>1</sup> In this sense, the Policy differs from a traditional “reimbursement” long term care policy that pays a benefit to the insured only for those caregiver services actually provided and billed.

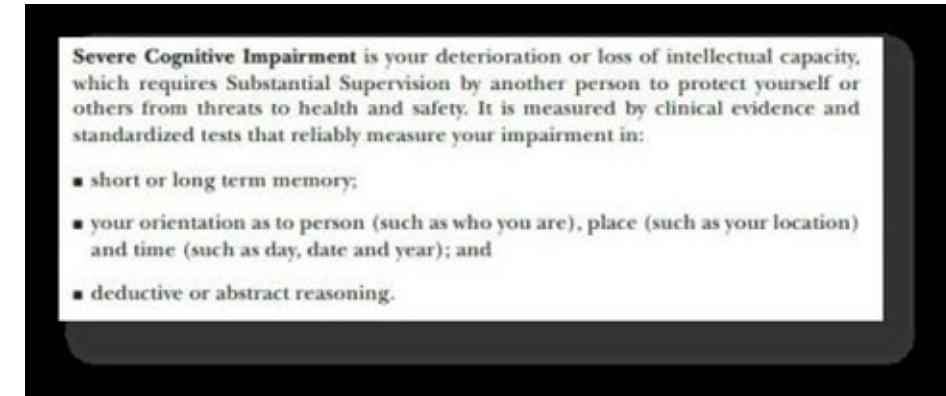
10. In order to qualify for long term care benefits, the Policy requires that Samuel Brezel satisfy the following eligibility requirements:



11. *Activities of Daily Living* is defined in the Policy as follows:



12. *Severe Cognitive Impairment* is defined in the Policy as follows:



13. Samuel Brezel initiated a claim for long term care benefits under the Policy on or around July 27, 2007, contending that he required a caregiver's assistance due to health issues arising from a cerebrovascular accident (stroke) he suffered in June 2007.

14. As part of the claim process, and pursuant to the terms of the Policy, MassMutual required an initial Attending Physician's Statement from Samuel Brezel's physician. The initial Attending Physician's Statement was completed by Dr. Steven Rudolph on August 10, 2007, in which he certified Mr. Brezel as being "chronically ill" for claim purposes.

15. As part of the claim process, Samuel Brezel also underwent an independent examination with Jenny Alasker, RN on August 16, 2007. Ms. Alasker submitted a report to MassMutual following this examination, in which she concluded that Mr. Brezel required assistance from a caregiver with bathing, dressing, toileting, and transferring. Ms. Alasker also concluded that Mr. Brezel's cognitive status did not require him to have continuous supervision from a caregiver.

16. MassMutual approved Samuel Brezel's claim on or around August 22, 2007.

17. As part of the claim process, and pursuant to the terms of the Policy, Samuel Brezel also provided MassMutual with updated Attending Physician's Statements on an annual basis. The most recent Attending Physician's Statement was completed by Dr. Irving Friedman on September 16, 2018. That Attending Physician's Statement indicates that Mr. Brezel requires stand-by assistance from a caregiver for bathing, continence, dressing, and toileting. The Attending Physician's Statement also states that Mr. Brezel is legally competent and does not have a severe cognitive impairment requiring a caregiver's continuous supervision.

18. Pursuant to the terms of the Policy and as a condition precedent to payment of the Policy's daily benefit for caregiver services, Samuel Brezel was required to submit written forms to MassMutual, known as Home Health Service Caregiver Activity Notes ("Activity Notes"), to

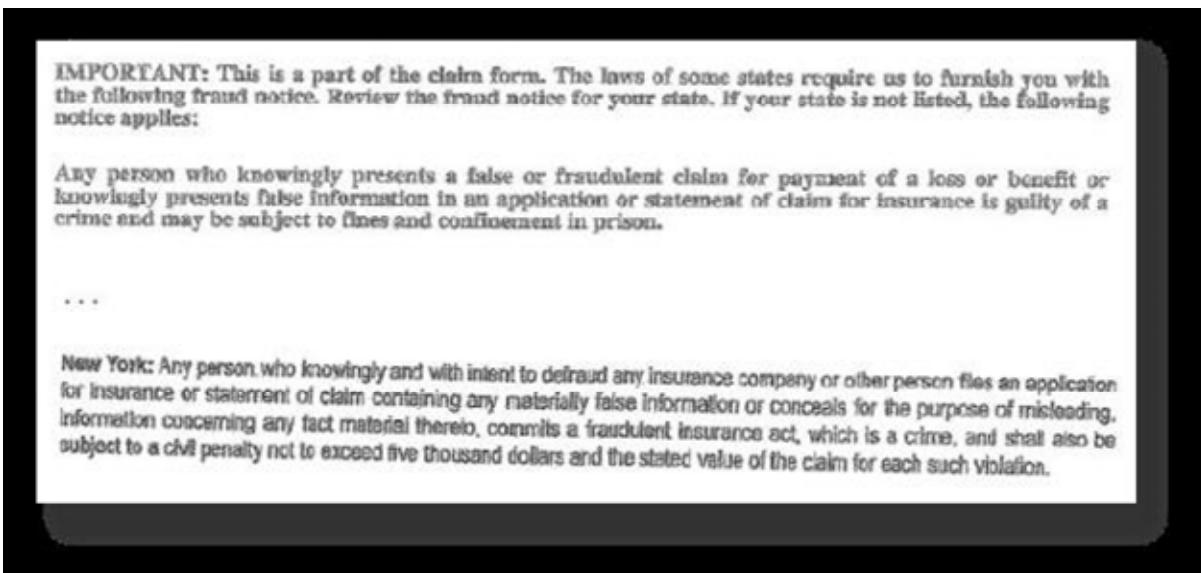
establish proof of loss under the Policy. These Activity Notes detail the date on which the caregiver provided services, the caregiver's total charge for that date, the start and stop times of service, and a description of the services provided.

19. To this end, Samuel Brezel has provided MassMutual with Activity Notes on a periodic basis. MassMutual relied on the truthfulness and accuracy of these Activity Notes provided by Samuel Brezel in paying benefits to him under the Policy.

20. The Activity Notes identify Seerojini Ramjit as the caregiver who purportedly provided home care services to Samuel Brezel at all relevant times. The Policy requires MassMutual's approval of the independent caregiver, and Ms. Ramjit is the only caregiver that MassMutual approved to provide home care services to Mr. Brezel in connection with his claim.

21. All Activity Notes submitted to MassMutual were signed by both Samuel Brezel and Seerojini Ramjit, thus verifying the accuracy of the statements contained therein.

22. In connection with the claim submissions, Samuel Brezel and Seerojini Ramjit also executed fraud notices, which provide in relevant part:



23. In late 2016, MassMutual undertook an investigation to determine whether Samuel Brezel was receiving the care for which he was billing MassMutual and for which MassMutual was paying.

24. In that regard, MassMutual engaged a private investigation firm to perform surveillance on Samuel Brezel and Seerojini Ramjit and observe their daily activities. Surveillance was performed on the following dates: November 15, 2016; December 6, 2016 through December 12, 2016; January 18, 2017 through January 24, 2017; May 5, 2017 through May 7, 2017; May 9, 2017; May 11, 2017 through May 20, 2017; April 15, 2018 through April 21, 2018; January 5, 2019; January 12, 2019; January 21, 2019 through January 23, 2019; and February 7, 2019.

25. The surveillance revealed that the Activity Notes submitted by Samuel Brezel to MassMutual were false and fraudulent as detailed below:

<b>DATE</b>	<b>ACTIVITY NOTE</b>	<b>SURVEILLANCE</b>
11/15/2016	The Activity Note submitted to MassMutual for November 15, 2016, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:55 a.m. and 1:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, showering, personal hygiene, incontinence, and medication.	The surveillance on Mr. Brezel, which occurred between 6:40 a.m. and 7:33 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 11:30 a.m., Mr. Brezel departed his residence alone and drove to a Lexus dealership, arriving at 11:59 a.m. Mr. Brezel remained at the Lexus dealership until 2:35 p.m., at which time he left the dealership and drove back to his residence, arriving at 3:08 p.m. At 4:27 p.m., Mr. Brezel departed his residence again in his Lexus SUV. The investigator subsequently lost contact with Mr. Brezel due to high traffic volume, and the investigator immediately returned to Mr. Brezel's residence. Mr. Brezel was observed returning to his residence at 6:13 p.m., where he remained for the duration of the surveillance period. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during this surveillance period.

12/6/2016	The Activity Note submitted to MassMutual for December 6, 2016, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:30 a.m. and 10:30 a.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, swallowing, and incontinence.	The surveillance on Mr. Brezel, which occurred between 6:59 a.m. and 7:11 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was first observed departing his residence at 11:02 a.m. and driving alone to a private residence located at 1503 14th Avenue in Brooklyn. At 11:19 a.m., Mr. Brezel departed the private residence and travelled to a doctor's office, arriving at 11:54 a.m. The investigator observed that Mr. Brezel was "walking freely without any assistance or any orthopedic devices." Mr. Brezel left the doctor's office at 1:20 p.m. and travelled back to his residence. Mr. Brezel again departed his residence at 3:30 p.m. and travelled to a synagogue in Brooklyn. Mr. Brezel departed the synagogue at 5:56 p.m. and drove back to his residence, where he remained for the duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during this surveillance period.
12/7/2016	The Activity Note submitted to MassMutual for December 7, 2016, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:30 a.m. and 11:00 a.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, swallowing, and incontinence.	The surveillance on Mr. Brezel, which occurred between 7:00 a.m. and 7:13 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was first observed at 4:03 p.m., when he emerged from his residence and drove alone to a synagogue in Brooklyn. Mr. Brezel exited the synagogue at 5:55 p.m. and travelled back to his home, where he remained for the duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during this surveillance period.
12/8/2016	The Activity Note submitted to MassMutual for December 8, 2016, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:30 a.m. and 11:00 a.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit	The surveillance on Mr. Brezel, which occurred between 7:15 a.m. and 8:00 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was first observed departing his residence at 3:51 p.m. and driving alone to a synagogue in Brooklyn. Mr. Brezel departed the synagogue at 5:49 p.m., drove to an Astoria Bank, and then drove back to his residence, arriving at 6:49 p.m. Mr. Brezel remained at his residence for the

	assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, swallowing, and incontinence.	duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during this surveillance period.
12/9/2016	The Activity Note submitted to MassMutual for December 9, 2016, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:30 a.m. and 1:45 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, swallowing, and incontinence.	<p>The surveillance on Mr. Brezel, which occurred between 7:15 a.m. and 5:24 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period.</p> <p>Simultaneous surveillance on Ms. Ramjit, which occurred between 7:15 a.m. and 5:16 p.m., shows that Ms. Ramjit first emerged from her residence at 2:24 p.m., when she drove to a Trade Fair supermarket in Richmond Hill. Ms. Ramjit returned to her residence at 3:47 p.m., where she remained for the duration of the surveillance.</p> <p>At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
12/10/2016	The Activity Note submitted to MassMutual for December 10, 2016, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 9:45 a.m. and 11:45 a.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, swallowing, and incontinence.	<p>The surveillance on Mr. Brezel, which occurred between 7:05 a.m. and 4:52 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during this surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during this surveillance period.</p>
12/11/2016	The Activity Note submitted to MassMutual for December 11, 2016, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 10:00 a.m. and 1:00 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit	<p>The surveillance on Mr. Brezel, which occurred between 7:15 a.m. and 5:16 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during this surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during this surveillance period.</p>

	assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, and incontinence.	
12/12/2016	The Activity Note submitted to MassMutual for December 12, 2016, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:00 a.m. and 11:00 a.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, swallowing, and incontinence.	The surveillance on Mr. Brezel, which occurred between 7:15 a.m. and 6:15 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was first observed at 4:04 p.m. when he travelled to a synagogue in Brooklyn. The investigator observed that Mr. Brezel "ascended approximately 4-5 steps into the temple without assistance." Mr. Brezel departed the synagogue at 5:52 p.m., descended the synagogue's stairs, and drove to a gas station on Coney Island Avenue in Brooklyn. After a brief stop, Mr. Brezel departed the gas station and continued to drive around Brooklyn. The mobile surveillance was terminated at 6:15 p.m. in order for the investigator to remain discreet. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during this surveillance period.
1/18/2017	The Activity Note submitted to MassMutual for January 18, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 8:30 a.m. and 1:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, swallowing, and incontinence.	The surveillance on Mr. Brezel, which occurred between 5:57 a.m. and 7:01 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was first observed at 4:49 p.m. when he travelled to a synagogue in Brooklyn. Mr. Brezel departed the synagogue at 5:51 p.m., descended the synagogue's stairs and closed his coat, and then drove back to his residence, arriving at 6:02 p.m. Mr. Brezel remained in his residence for the duration of the surveillance.  Simultaneous surveillance on Ms. Ramjit, which occurred between 6:03 a.m. and 4:01 p.m., shows that Ms. Ramjit's Toyota Camry was parked outside of her residence upon the investigator's arrival. Ms. Ramjit was first observed emerging from her residence at 1:11 p.m. and driving to pick up her mother. Ms. Ramjit and her mother returned to her residence at 1:42 p.m., where Ms. Ramjit remained for the duration of the surveillance.

		At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
1/19/2017	The Activity Note submitted to MassMutual for January 19, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 8:15 a.m. and 2:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, swallowing medications, and incontinence.	<p>The surveillance on Mr. Brezel, which occurred between 6:00 a.m. and 7:04 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was first observed at 3:51 p.m. when he travelled to a synagogue located in Brooklyn. Mr. Brezel departed the synagogue at 5:50 p.m. and travelled back to his residence, arriving at 5:58 p.m. Mr. Brezel remained in his residence for the duration of the surveillance.</p> <p>Simultaneous surveillance on Ms. Ramjit, which occurred between 6:10 a.m. and 4:04 p.m., shows that Ms. Ramjit's Toyota Camry was parked outside of her residence upon the investigator's arrival. Mr. Ramjit was first observed emerging from her residence at 1:08 p.m. to retrieve her mail from the mailbox. Mr. Ramjit immediately returned inside her residence, where she remained for the duration of the surveillance.</p> <p>At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
1/20/2017	The Activity Note submitted to MassMutual for January 20, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:10 a.m. and 12:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, swallowing, medications, and incontinence.	<p>The surveillance on Mr. Brezel, which occurred between 5:59 a.m. and 6:02 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period.</p> <p>Simultaneous surveillance on Ms. Ramjit, which occurred between 6:03 a.m. and 4:00 p.m., shows that Ms. Ramjit's Toyota Camry was parked outside of her residence upon the investigator's arrival. Ms. Ramjit was not observed departing or returning to her residence during the surveillance period.</p> <p>At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>

1/21/2017	<p>The Activity Note submitted to MassMutual for January 21, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 10:30 a.m. and 1:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, medications, incontinence, showering, and personal hygiene.</p>	<p>The surveillance on Mr. Brezel, which occurred between 7:16 a.m. and 4:30 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period.</p> <p>Simultaneous surveillance on Ms. Ramjit, which occurred between 7:04 a.m. and 4:00 p.m., shows that Ms. Ramjit's Toyota Camry was parked outside of her residence upon the investigator's arrival. Ms. Ramjit was not observed departing or returning to her residence during the surveillance period.</p> <p>At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
1/22/2017	<p>The Activity Note submitted to MassMutual for January 22, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 10:00 a.m. and 1:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, showering, personal hygiene, swallowing, and medications.</p>	<p>The surveillance on Mr. Brezel, which occurred between 7:00 a.m. and 4:05 p.m., shows that his Lexus SUV was not parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period.</p> <p>Simultaneous surveillance on Ms. Ramjit, which occurred between 7:11 a.m. and 4:12 p.m., shows that Ms. Ramjit's Toyota Camry was parked outside of her residence upon the investigator's arrival. Ms. Ramjit was not observed departing or returning to her residence during the surveillance period.</p> <p>At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
1/23/2017	<p>The Activity Note submitted to MassMutual for January 23, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:30 a.m. and 3:00 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit</p>	<p>The surveillance on Mr. Brezel, which occurred between 5:55 a.m. and 5:03 p.m., shows that his Lexus SUV was not parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period.</p> <p>Simultaneous surveillance on Ms. Ramjit, which occurred between 7:09 a.m. and 4:12 p.m., shows that Ms. Ramjit's Toyota Camry was</p>

	<p>assisted Mr. Brezel with dressing, feeding, swallowing, showering, personal hygiene, and incontinence.</p>	<p>parked outside of her residence upon the investigator's arrival. At 2:31 p.m., Ms. Ramjit was first observed opening the front door of her residence to greet visitors. Ms. Ramjit remained in her residence for the duration of the surveillance.</p> <p>At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
1/24/2017	<p>The Activity Note submitted to MassMutual for January 24, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:30 a.m. and 1:00 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, showering, feeding, personal hygiene, swallowing, and incontinence.</p>	<p>The surveillance on Mr. Brezel, which occurred between 6:00 a.m. and 5:00 p.m., shows that his Lexus SUV was not parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period.</p> <p>Simultaneous surveillance on Ms. Ramjit, which occurred between 6:00 a.m. and 4:02 p.m., shows that Ms. Ramjit's Toyota Camry was parked outside of her residence upon the investigator's arrival. Ms. Ramjit was not observed departing or returning to her residence during the surveillance period.</p> <p>At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
5/5/2017	<p>The Activity Note submitted to MassMutual for May 5, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:55 a.m. and 2:40 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing medications, incontinence, showering, and personal hygiene.</p>	<p>The surveillance on Mr. Brezel, which occurred between 6:12 a.m. and 2:16 p.m., shows that his Lexus SUV was not parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
5/6/2017	<p>The Activity Note submitted to MassMutual for May 6, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that</p>	<p>The surveillance on Mr. Brezel, which occurred between 6:54 a.m. and 3:03 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was</p>

	<p>Seerojini Ramjit provided caregiver services to Samuel Brezel between 10:05 a.m. and 1:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing medications, incontinence, showering, and personal hygiene.</p>	<p>not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
5/7/2017	<p>The Activity Note submitted to MassMutual for May 7, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 9:50 a.m. and 11:55 a.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, showering, and personal hygiene.</p>	<p>The surveillance on Mr. Brezel, which occurred between 7:07 a.m. and 3:12 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
5/9/2017	<p>The Activity Note submitted to MassMutual for May 9, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:35 a.m. and 3:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing medications, showering, and personal hygiene.</p>	<p>The surveillance on Mr. Brezel, which occurred between 5:57 a.m. and 8:00 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 3:57 p.m., Mr. Brezel was first observed departing his residence and driving alone to a synagogue in Brooklyn, arriving at 4:13 p.m. Mr. Brezel exited the synagogue at 6:01 p.m., descended the synagogue's stairs, and then drove around the neighborhood talking on his phone. Mr. Brezel returned to his residence at 6:38 p.m., where he remained for the duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
5/11/2017	<p>The Activity Note submitted to MassMutual for May 11, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 9:00 a.m. and 12:00 p.m. at 3919 Bedford Avenue, Brooklyn, New</p>	<p>The surveillance on Mr. Brezel, which occurred between 5:56 a.m. and 9:04 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 3:54 p.m., Mr. Brezel was first observed departing his residence and driving alone to a synagogue in Brooklyn, arriving at 4:06 p.m. Mr. Brezel exited the synagogue at 5:37 p.m., descended the</p>

	York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, showering, personal hygiene, and incontinence.	synagogue's stairs, and then drove to an Israeli Imported Food located on Ditmas Avenue in Brooklyn. Mr. Brezel departed this location at 6:10 p.m. and drove around his neighborhood for approximately the next hour and twenty minutes. Mr. Brezel arrived back at his residence at 7:32 p.m., where he remained for the duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
5/12/2017	The Activity Note submitted to MassMutual for May 12, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 8:45 a.m. and 12:00 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing medications, showering, incontinence, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 5:49 a.m. and 3:59 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 8:17 a.m., Mr. Brezel departed his residence and drove alone towards Manhattan. Mobile surveillance of Mr. Brezel was continued until 10:40 a.m., at which time Mr. Brezel's vehicle was lost due to heavy traffic. The investigator traveled back to Mr. Brezel's residence, arriving at 11:21 a.m. Upon arrival, the investigator did not observe Mr. Brezel's Lexus SUV. The investigator remained at Mr. Brezel's residence until 3:59 p.m., at which time Mr. Brezel had still not returned to his house. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
5/13/2017	The Activity Note submitted to MassMutual for May 13, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 9:30 a.m. and 1:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing medications, incontinence, showering, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 6:58 a.m. and 3:02 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
5/14/2017	The Activity Note submitted to MassMutual for May 14, 2017, signed by both Samuel Brezel and	The surveillance on Mr. Brezel, which occurred between 7:23 a.m. and 3:21 p.m., shows that his Lexus SUV was parked outside of his residence

	Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 10:00 a.m. and 1:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
5/15/2017	The Activity Note submitted to MassMutual for May 15, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 9:00 a.m. and 2:00 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 6:08 a.m. and 11:18 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 3:50 p.m., Mr. Brezel departed his residence and drove to a synagogue in Brooklyn, arriving at 4:02 p.m. At 5:52 p.m., Mr. Brezel descended the stairs of the synagogue and then departed the area in his Lexus SUV. Over the next hour, Mr. Brezel was observed driving around his neighborhood. Mr. Brezel arrived back at his residence at 6:55 p.m. and departed again at 7:54 p.m. Contact with Mr. Brezel was subsequently lost by the investigator due to heavy traffic. The investigator immediately returned to Mr. Brezel's residence, where the investigator observed Mr. Brezel return home at 11:18 p.m. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
5/16/2017	The Activity Note submitted to MassMutual for May 16, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 9:25 a.m. and 2:00 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 6:00 a.m. and 9:01 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
5/17/2017	The Activity Note submitted to MassMutual for May 17, 2017, signed by both Samuel Brezel and	The surveillance on Mr. Brezel, which occurred between 8:10 a.m. and 11:07 p.m., shows that his Lexus SUV was parked outside of his residence

	<p>Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 8:00 a.m. and 1:00 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.</p>	<p>upon the investigator's arrival. At 1:23 p.m., Mr. Brezel was first observed departing his residence and driving to a doctor's office located at 2000 Kings Highway in Brooklyn. Mr. Brezel was observed walking approximately 75 yards into the doctor's office with a cane. Mr. Brezel exited the doctor's office at 2:54 p.m. and walked to his car with a cane. At 2:57 p.m., Mr. Brezel arrived back at his residence and was observed walking into his home without the use of a cane. At 3:35 p.m., Mr. Brezel again departed his residence and travelled to the synagogue in Brooklyn. At 5:52 p.m., Mr. Brezel departed the synagogue, descending the synagogue's steps and walking approximately one block to his car without the use of a cane. Mr. Brezel then travelled to a culinary supply store located on Locust Avenue, arriving at 6:06 p.m. Mr. Brezel continued to run various errands over the next four hours, and he arrived back at his residence at 11:07 p.m. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
5/18/2017	<p>The Activity Note submitted to MassMutual for May 18, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:30 a.m. and 12:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.</p>	<p>The surveillance on Mr. Brezel, which occurred between 5:56 a.m. and 10:07 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 4:31 p.m., Mr. Brezel was first observed departing his residence and driving alone to Israeli Imported Food located on Ditmas Avenue in Brooklyn. Mr. Brezel departed the Israeli Imported Food at 5:03 p.m. and travelled back to his residence, where he remained for the duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.</p>
5/19/2017	<p>The Activity Note submitted to MassMutual for May 19, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 9:30 a.m. and 1:00 p.m. at 3919 Bedford Avenue, Brooklyn, New</p>	<p>The surveillance on Mr. Brezel, which occurred between 5:58 a.m. and 3:58 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel</p>

	York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	Brezel's residence during the surveillance period.
5/20/2017	The Activity Note submitted to MassMutual for May 20, 2017, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 10:00 a.m. and 1:00 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 6:44 a.m. and 3:00 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
4/15/2018	The Activity Note submitted to MassMutual for April 15, 2018, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 11:40 a.m. and 1:50 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 6:03 a.m. and 2:04 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
4/16/2018	The Activity Note submitted to MassMutual for April 16, 2018, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 10:00 a.m. and 2:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 5:55 a.m. and 8:33 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 5:12 p.m., Mr. Brezel was first observed departing his residence and driving alone to a Chase Bank in Brooklyn. Mr. Brezel exited the bank at 5:32 p.m. and travelled to a synagogue located at 1202 East 9th Street in Brooklyn. Mr. Brezel departed the synagogue at 6:04 p.m. and travelled back to his residence, arriving at 6:16 p.m. Mr. Brezel remained at his residence for the duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel

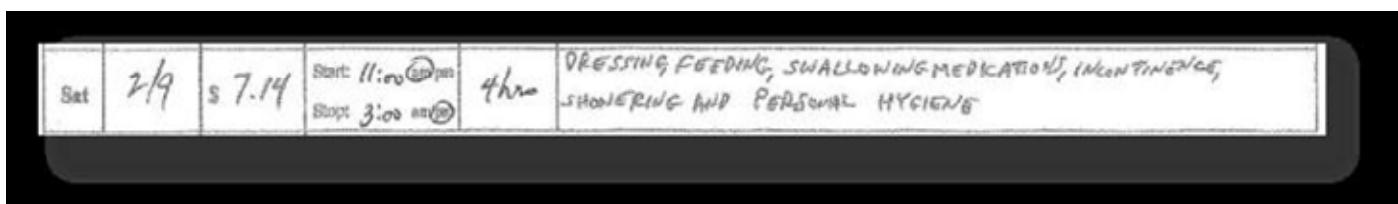
		Brezel's residence during the surveillance period.
4/17/2018	The Activity Note submitted to MassMutual for April 17, 2018, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 8:30 a.m. and 11:30 a.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 6:27 a.m. and 6:10 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
4/18/2018	The Activity Note submitted to MassMutual for April 18, 2018, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:30 a.m. and 2:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 6:16 a.m. and 6:16 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
4/19/2018	The Activity Note submitted to MassMutual for April 19, 2018, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:45 a.m. and 11:45 a.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 6:47 a.m. and 6:02 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
4/20/2018	The Activity Note submitted to MassMutual for April 20, 2018, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver	The surveillance on Mr. Brezel, which occurred between 6:44 a.m. and 6:15 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 4:45 p.m., Mr. Brezel was first observed departing his residence

	services to Samuel Brezel between 7:30 a.m. and 11:30 a.m. at 3919 Bedford Avenue, Brooklyn, New York 11229.	and driving alone around the block. Mr. Brezel arrived back at his residence at 4:49 p.m., where he remained for the duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
4/21/2018	The Activity Note submitted to MassMutual for April 21, 2018, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 11:00 a.m. and 2:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 8:02 a.m. and 4:00 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. Mr. Brezel was not observed departing or returning to his residence during the surveillance period. Further, at no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
1/5/2019	The Activity Note submitted to MassMutual for January 5, 2019, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 10:15 a.m. and 1:15 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing medications, incontinence, showering, and personal hygiene.	Surveillance on Ms. Ramjit occurred between 6:07 a.m. and 2:14 p.m. At 6:48 a.m., Ms. Ramjit departed her residence and travelled on foot to Signature Senior Living located at 644 Foster Avenue in Brooklyn, arriving at 7:24 a.m. Ms. Ramjit briefly exited Signature Senior Living at 1:25 p.m. and then reentered the building at 1:34 p.m. Mr. Ramjit again exited Signature Senior Living at 1:37 p.m. and walked back to her residence, arriving at 2:13 p.m. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
1/12/2019	The Activity Note submitted to MassMutual for January 12, 2019, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 10:00 a.m. and 1:00 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, showering, incontinence, and personal hygiene.	Surveillance on Ms. Ramjit occurred between 5:49 a.m. and 3:49 p.m. Ms. Ramjit departed her residence at 8:31 a.m. and walked to Goke Food Pantry in Brooklyn, where she remained until 11:50 a.m. At that time, Ms. Ramjit walked back to her residence, arriving at 12:15 p.m. Ms. Ramjit remained at her residence for the duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.

1/21/2019	The Activity Note submitted to MassMutual for January 21, 2019, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 8:05 a.m. and 1:05 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, showering, incontinence, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 6:05 a.m. and 6:21 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 3:26 p.m., Mr. Brezel was first observed exiting his residence and driving to a synagogue located at 2402 Avenue P in Brooklyn. Mr. Brezel returned to his vehicle at 6:05 p.m., carrying a bag and placing it in the trunk of his Lexus SUV. Mr. Brezel then drove back to his residence at 6:08 p.m., where he remained for the duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
1/22/2019	The Activity Note submitted to MassMutual for January 22, 2019, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 8:30 a.m. and 12:30 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, showering, incontinence, and personal hygiene.	The surveillance on Mr. Brezel, which occurred between 6:09 a.m. and 7:42 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 11:46 a.m., Mr. Brezel was first observed exiting his residence and departing the area by car. Due to heavy traffic, the investigator lost contact with Mr. Brezel. The investigator subsequently relocated Mr. Brezel at 3:42 p.m. when Mr. Brezel arrived at the synagogue located at 2402 Avenue P in Brooklyn. At 6:27 p.m., Mr. Brezel departed the synagogue and drove to a Pomegranate grocery store and then to Plaza Toyota. Mr. Brezel returned back to his residence at 7:31 p.m., where he remained for the duration of the surveillance. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
1/23/2019	The Activity Note submitted to MassMutual for January 23, 2019, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 7:00 a.m. and 11:40 a.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing,	The surveillance on Mr. Brezel, which occurred between 5:54 a.m. and 7:12 p.m., shows that his Lexus SUV was parked outside of his residence upon the investigator's arrival. At 1:18 p.m., Mr. Brezel was first observed departing his residence in his Lexus SUV. Due to heavy traffic, the investigator lost contact with Mr. Brezel. The investigator subsequently relocated Mr. Brezel at 3:46 p.m. when Mr. Brezel arrived at his synagogue in Brooklyn. Mr. Brezel departed the synagogue at 6:19 p.m. Due to heavy traffic, the investigator again lost contact

	feeding, swallowing, incontinence, showering, and personal hygiene.	with Mr. Brezel and the surveillance was terminated at 7:12 p.m. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.
2/7/2019	The Activity Note submitted to MassMutual for February 7, 2019, signed by both Samuel Brezel and Seerojini Ramjit, certifies that Seerojini Ramjit provided caregiver services to Samuel Brezel between 9:55 a.m. and 2:00 p.m. at 3919 Bedford Avenue, Brooklyn, New York 11229. The Activity Note further certifies that Ms. Ramjit assisted Mr. Brezel with dressing, feeding, swallowing, incontinence, showering, and personal hygiene.	Surveillance on Ms. Ramjit occurred between 4:39 a.m. and 3:02 p.m. Ms. Ramjit was first observed outside her residence checking her mail at 11:32 a.m. Ms. Ramjit later departed her residence at 1:19 p.m. and walked to Sterling National Bank in Brooklyn, arriving at 2:12 p.m. The investigator subsequently lost contact with Ms. Ramjit and the surveillance was terminated at 3:02 p.m. At no time was Seerojini Ramjit observed with Samuel Brezel or at Samuel Brezel's residence during the surveillance period.

26. Samuel Brezel also submitted an Activity Note to MassMutual for February 9, 2019, in which he certified that Seerojini Ramjit provided the following services to him at his home, at 3919 Bedford Avenue, Brooklyn, New York 11229, between 11:00 a.m. and 3:00 p.m.:



Yet, Seerojini Ramjit could not have provided any such home care services to Mr. Brezel because on that date, between 10:50 a.m. and 12:50 p.m., Ms. Ramjit was in her own home, located at 2212 Cortelyou Road, Brooklyn, New York 11226, meeting with Julie Temlak, an Investigative Consultant in MassMutual's Investigations/SIU department, and Meg Sarkisian, SIU Lead in LifeCare Assurance Company's SIU department.<sup>2</sup>

<sup>2</sup> At this meeting, Ms. Ramjit also stated that she generally did not provide home care services to Mr. Brezel on Saturdays. However, Mr. Brezel has routinely submitted Activity Notes to MassMutual for caregiver services allegedly performed by Ms. Ramjit on Saturdays, including February 9, 2019.

27. Following its February 9, 2019 meeting with Seerojini Ramjit, MassMutual received several telephone calls from Samuel Brezel seeking to discuss MassMutual's investigation. During these recorded calls, Mr. Brezel admitted that Ms. Ramjit, in fact, had not provided home care services on numerous occasions for which Mr. Brezel previously submitted Activity Notes to MassMutual and that MassMutual paid.

28. Upon information and belief, Samuel Brezel and Seerojini Ramjit submitted false and fraudulent Activity Notes on days beyond those on which they were the subject of surveillance by MassMutual, as part of their ongoing and systemic scheme that has defrauded MassMutual, to date, out of \$1,742,580.00. MassMutual has paid Samuel Brezel the daily benefit for each and every day that he and Seerojini Ramjit have claimed, through the submission of Activity Notes, that Ms. Ramjit purportedly provided home care services to Mr. Brezel.

29. Upon information and belief, Seerojini Ramjit is or was an active participant in Samuel Brezel's fraudulent scheme to illegally obtain benefits from MassMutual, as illustrated by the fact that Ms. Ramjit signed each of the Activity Notes submitted to MassMutual, thereby certifying that she provided care services on the dates and times stated therein. Seerojini Ramjit has received some portion of the claim benefit paid to Samuel Brezel by MassMutual as compensation for her active participation in the unlawful fraudulent scheme.

### **CAUSES OF ACTION**

#### **Count I – Fraud Against Samuel Brezel and Seerojini Ramjit**

30. MassMutual restates, re-alleges, and incorporates herein by reference the preceding paragraphs of this Complaint as if fully set forth herein.

31. Samuel Brezel and Seerojini Ramjit intentionally and knowingly made false and fraudulent statements of material fact to MassMutual in the course of their submission of false and fraudulent Activity Notes as detailed above.

32. The Activity Notes submitted to MassMutual constitute false and fraudulent statements of material fact in that Seerojini Ramjit did not actually provide caregiver services to Samuel Brezel at his home on the dates and times stated in the Activity Notes.

33. Samuel Brezel and Seerojini Ramjit intentionally made the above-described false and fraudulent statements and concealed material facts in a calculated scheme to induce MassMutual to pay claims for home care services that were never actually rendered.

34. MassMutual reasonably relied on Samuel Brezel's and Seerojini Ramjit's false and fraudulent statements, and it has been injured in its business and property by reason thereby in that it has paid benefits for claims that, unbeknownst to MassMutual at the time, were false, fraudulent, and not covered under the Policy.

35. Samuel Brezel and Seerojini Ramjit acted with specific intent to harm MassMutual, and their extensive fraudulent scheme demonstrates that their acts and omissions were the product of actual malice and were accompanied by a wanton and willful disregard of MassMutual, which foreseeably would be harmed by Samuel Brezel's and Seerojini Ramjit's acts and omissions, entitling MassMutual to recover punitive damages from them.

36. By virtue of the foregoing, MassMutual is entitled to and seeks compensatory and punitive damages, together with interest and costs, in an amount to be determined at trial, but in excess of \$75,000.00. MassMutual is further entitled to and seeks to void Samuel Brezel's designation as an insured under the Policy and all his interests and rights thereunder, and any other relief the Court deems just and proper.

**Count II: Civil Conspiracy to Commit Fraud  
Against Samuel Brezel and Seerojini Ramjit**

37. MassMutual restates, re-alleges, and incorporates herein by reference the preceding paragraphs of this Complaint as if fully set forth herein.

38. Samuel Brezel and Seerojini Ramjit knowingly aided and abetted each other in perpetrating the fraudulent scheme on MassMutual. Specifically, Samuel Brezel and Seerojini Ramjit, individually and collectively, conspired and joined forces to submit false and fraudulent claims for caregiver services that were never provided as detailed above. Their nefarious plan has defrauded MassMutual out of more than \$1,700,000.00.

39. Samuel Brezel and Seerojini Ramjit, as members of the conspiracy, are jointly and severally liable for each other's acts and omissions which were done in furtherance of the conspiracy.

40. By virtue of the foregoing, MassMutual is entitled to and seeks compensatory and punitive damages, together with interest and costs, in an amount to be determined at trial, but in excess of \$75,000.00. MassMutual is further entitled to and seeks to void Samuel Brezel's designation as an insured under the Policy and all his interests and rights thereunder, and any other relief the Court deems just and proper.

**Count III: Unjust Enrichment  
Against Samuel Brezel and Seerojini Ramjit**

41. MassMutual restates, re-alleges, and incorporates herein by reference the preceding paragraphs of this Complaint as if fully set forth herein.

42. As set forth above, Samuel Brezel and Seerojini Ramjit have engaged in improper, unlawful, and/or unjust acts, all to the harm and detriment of MassMutual.

43. When MassMutual paid the claims submitted or caused to be submitted by Samuel Brezel and Seerojini Ramjit, it reasonably believed that it was legally obligated to make such

payments based upon Samuel Brezel's and Seerojini Ramjit's improper, unlawful, and/or unjust acts.

44. Samuel Brezel and Seerojini Ramjit have been enriched at MassMutual's expense through MassMutual's payment of claims for caregiver services never rendered, a benefit that Mr. Brezel and Ms. Ramjit accepted notwithstanding their improper, unlawful, and unjust acts.

45. Samuel Brezel's and Seerojini Ramjit's acceptance and retention of MassMutual's claim payments violates established principles of fairness and equity, as they have no lawful claim to the payments. It would be unconscionable for Samuel Brezel and Seerojini Ramjit to retain the payments they have wrongfully obtained from or through MassMutual.

46. By virtue of the foregoing, to the extent the Policy is voided or there is no enforceable contract between the parties, MassMutual is entitled to and seeks compensatory damages, together with interests and costs, in an amount to be determined at trial, but in excess of \$75,000.00, against Samuel Brezel. MassMutual is further entitled to and seeks compensatory damages, together with interests and costs, in an amount to be determined at trial, but in excess of \$75,000.00, against Seerojini Ramjit. MassMutual is further entitled to and seeks to void Samuel Brezel's designation as an insured under the Policy and all his interests and rights thereunder, and any other relief the Court deems just and proper.

**Count IV: Breach of Contract  
Against Samuel Brezel**

47. MassMutual restates, re-alleges, and incorporates herein by reference the preceding paragraphs of this Complaint as if fully set forth herein.

48. Pursuant to the terms of the Policy, MassMutual agreed to pay the daily benefit amount for each day that Samuel Brezel received caregiver services.

49. As a condition precedent to the payment of the daily benefit amount, the Policy requires that Samuel Brezel submit to MassMutual a valid written proof of loss detailing the date, nature, and charges for all covered care received.

50. By submitting Activity Notes for caregiver services that were never performed or provided, Samuel Brezel failed to satisfy this condition precedent under the Policy for the payment of benefits and otherwise breached the terms of the Policy.

51. By virtue of the foregoing, MassMutual is entitled to and seeks compensatory damages, together with interests and costs, in an amount to be determined at trial, but in excess of \$75,000.00. MassMutual is further entitled to and seeks to void Samuel Brezel's designation as an insured under the Policy and all his interests and rights thereunder, and any other relief the Court deems just and proper.

**Count V: Declaratory Relief  
Against Samuel Brezel and Rachel Brezel**

52. MassMutual restates, re-alleges, and incorporates herein by reference the preceding paragraphs of this Complaint as if fully set forth herein.

53. An actual controversy exists regarding whether Samuel Brezel submitted false and fraudulent Activity Notes to MassMutual under the Policy as set forth above, and whether said misrepresentations and actions void Samuel Brezel's designation as an insured under the Policy and his rights and interests thereunder.

54. By virtue of the foregoing, MassMutual is entitled to and seeks a declaration of its rights stating that Samuel Brezel's designation as an insured under the Policy, as well as all of his interests and rights thereunder, are null and void, and that MassMutual shall have no further obligation to pay benefits under the Policy to Samuel Brezel. MassMutual is further entitled to and seeks reformation of the Policy removing Samuel Brezel as a Policy owner and insured and

naming Rachel Brezel as the sole Policy owner and insured, and any other relief the Court deems just and proper.

**WHEREFORE**, MassMutual respectfully requests a trial by jury and that the Court enter a final judgment against Defendants as follows:

- A. Awarding MassMutual compensatory damages in an amount to be determined at trial, but in excess of \$75,000.00;
- B. Awarding MassMutual punitive damages;
- C. Declaring that Samuel Brezel's designation as an insured under the Policy, as well as all of his interests and rights thereunder, are null and void and that MassMutual shall have no further obligation to pay benefits under the Policy to Samuel Brezel;
- D. Reforming the Policy to remove Samuel Brezel as a Policy owner and insured and name Rachel Brezel as the sole Policy owner and insured;
- E. Awarding MassMutual the costs of this action and interest; and
- F. Awarding MassMutual any such other and further relief as the Court deems just and proper.

Respectfully submitted,

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